35. (New) The CDMA-based wireless network set forth in Claim 29 wherein said physical layer protocol functions comprise a conversion of data frames received from said first base station to data packets suitable for transmission over a packet data network coupled to said CDMA wireless network.

REMARKS

Claims 1-15 and 17-21 are pending in the present application.

Claims 1-6, 9-14, 17-19 and 21 have been rejected.

Claims 7, 8, 15 and 20 were objected to.

Claims 1, 9 and 17 have been cancelled. Claim 16 was cancelled previously.

Claims 2-4, 6-8, 10-12, 14-15 and 18-21 have been amended.

Claims 22-35 have been added.

Claims 2-8, 10-15 and 18-35 remain in the application.

Reconsideration of the amended claims is respectfully requested. All claims are listed in Appendix A in their current form with markings to show amendments for the Examiner's easy reference.

In Sections 1 and 2 of the July 25, 2002 Office Action, the Examiner rejected Claims 1-3, 9-11, and 17-18 under 35 U.S.C. §102(b) as being anticipated by the Admitted Prior Art shown in Figure 2. Additionally, in Sections 3 and 4 of the July 25, 2002 Office Action, the Examiner rejected Claims 4-5, 12-13, 19 and 21 under 35 U.S.C. §103(a) as being unpatentable over the Admitted Prior Art of Figure 2 in view of United States Patent No. 6,381,455 to *Smolik* (hereafter, simply "*Smolik*").

The Applicant respectfully asserts that the Examiner's rejections of Claims 1-6, 9-14, 17-19 and 21 under 35 U.S.C. §§102(b) and 103(a) are moot in view of the amendments to the claims.

In Section 5 of the July 25, 2002 Office Action, the Examiner objected to Claims 7-8, 15 and 20 as being dependent on a rejected base claim. The Examiner indicated that Claims 7-8, 15 and 20 would be allowable if re-written in independent form including all of the limitation of the base and any intervening claims. The Applicant notes that Claims 7 and 8 provided separate and distinct grounds for allowing Claims 7 and 8. Because of this, the Applicant has added new claims in order to more properly protect the Applicant's invention.

New Claim 22 is equivalent to Claim 8 re-written in independent form to include all of the limitation of the base Claim 1. Since the Examiner has stated that Claim 8 would be allowable if re-written in independent form to include all of the limitation of the base and any intervening claims, the Applicant respectfully asserts that new Claim 22 is therefore allowable. New Claims 23-28, which depend from new Claim 22, are equivalent to previous versions of Claims 2-7.

New Claim 29 is equivalent to the combination of cancelled Claim 9 and Claim 8. Cancelled Claim 9 contains limitations similar to cancelled Claim1. The Applicant respectfully asserts that new Claim 29 is allowable because it contains all of the unique and novel limitations of Claim 8, but is rewritten in independent for to include the limitations of base Claim 9. New Claims 30-35, which depend from new Claim 29, are equivalent to previous versions of Claims 10-15.

Claim 7 has been re-written in independent form to include all of the limitation of the base Claim 1. Since the Examiner has stated that Claim 7 would be allowable if re-written in independent form to include all of the limitation of the base and any intervening claims, the Applicant respectfully asserts that Claim 7 is therefore allowable. Claims 2-6 and 8, as amended, depend from Claim 7 and are also allowable.

Claim 15 has been re-written in independent form to include all of the limitation of the base Claim 9. Since the Examiner has stated that Claim 15 would be allowable if re-written in independent form to include all of the limitation of the base and any intervening claims, the Applicant respectfully asserts that Claim 15 is therefore allowable. Claims 10-14, as amended, depend from Claim 15 and are also allowable.

SUMMARY

For the reasons given above, the Applicant respectfully requests reconsideration and allowance of pending claims and that this Application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at ***jmockler@davismunck.com***.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: 19 Dec. 2002

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APPENDIX A

CLAIMS WITH MARKINGS TO SHOW CHANGES MADE

1. Cancelled.

2. (Amended) The partitioned selection and distribution unit set forth in Claim [1] 7 wherein said radio link protocol functions comprise selection of preferred ones of incoming wireless traffic frames received from said first base station.

3. (Amended) The partitioned selection and distribution unit set forth in Claim [1] 7 wherein said radio link protocol functions comprise controlling a transmission power of a selected one of said plurality of mobile stations.

4. (Amended) The partitioned selection and distribution unit set forth in Claim [1] 7 wherein said physical layer protocol functions comprise a decompression of voice traffic from a first bit rate to a second bit rate.

5. The partitioned selection and distribution unit set forth in Claim 4 wherein said decompression is performed by a vocoder.

6. (Amended) The partitioned selection and distribution unit set forth in Claim [1] 7 wherein said physical layer protocol functions comprise a transcoding of circuit data from a first bit rate to a second bit rate.

7. (Amended) [The partitioned selection and distribution unit set forth in Claim 1] For use in a CDMA wireless network comprising a plurality of base stations capable of communicating with a plurality of mobile stations located in a coverage area of said CDMA wireless network, a partitioned selection and distribution unit (SDU) comprising:

a first controller associated with a first one of said plurality of base stations capable of performing radio link protocol functions related to wireless communication links between said first base station and at least one of said plurality of mobile stations; and

a second controller associated with a mobile switching center (MSC) of said CDMA wireless network capable of performing physical layer protocol functions related to transmission of wireline data comprising at least one of voice traffic and data traffic between said CDMA wireless network and a wired network coupled to said CDMA wireless network, wherein said physical layer protocol functions comprise a conversion of data frames received from said first base station to data

packets suitable for transmission over a packet data network coupled to said CDMA wireless network.

8. (Amended) The partitioned selection and distribution unit set forth in Claim [1] 7 wherein said first controller is disposed in said first base station and said second controller is disposed in said mobile switching center (MSC).

9. Cancelled.

10. (Amended) The CDMA-based wireless network set forth in Claim [9] 16 wherein said radio link protocol functions comprise selection of preferred ones of incoming wireless traffic frames received from said first base station.

11. (Amended) The CDMA-based wireless network set forth in Claim [9] 16 wherein said radio link protocol functions comprise controlling a transmission power of a selected one of said plurality of mobile stations.

12. (Amended) The CDMA-based wireless network set forth in Claim [9] 16 wherein said physical layer protocol functions comprise a decompression of voice traffic from a first bit rate to a second bit rate.

13. The CDMA-based wireless network set forth in Claim 12 wherein said decompression is performed by a vocoder.

14. (Amended) The CDMA-based wireless network set forth in Claim [9] 16 wherein said physical layer protocol functions comprise a transcoding of circuit data from a first bit rate to a second bit rate.

15. (Amended) [The CDMA-based wireless network set forth in Claim 9] A CDMA wireless network capable of communicating with a plurality of mobile stations located in a coverage area of said CDMA wireless network, said CDMA wireless network comprising:

a plurality of base stations capable of wirelessly communicating with said plurality of mobile stations, a first one of said plurality of base stations comprising a first controller capable of performing radio link protocol functions related to wireless communication links between said first base station and said plurality of mobile stations; and

a mobile switching center capable of transferring call traffic between said plurality of base stations and a wired network coupled to said CDMA wireless network, said mobile switching center comprising a second controller capable of performing physical layer protocol functions related

to transmission of wireline data comprising at least one of voice traffic and data traffic between said CDMA wireless network and said wired network, wherein said physical layer protocol functions comprise a conversion of data frames received from said first base station to data packets suitable for transmission over a packet data network coupled to said CDMA wireless network.

16. Previously cancelled.

17. Cancelled.

18. (Amended) The method set forth in Claim [17] 20 wherein the radio link protocol functions comprise at least one of selection of preferred ones of incoming wireless traffic frames received from the first base station and controlling a transmission power of a selected one of the plurality of mobile stations.

19. (Amended) The method set forth in Claim [17] 20 wherein the physical layer protocol functions comprise at least one of decompressing voice traffic from a first bit rate to a second bit rate and transcoding circuit data from a first bit rate to a second bit rate.

20. (Amended) [The method set forth in Claim 17] A method of operating a CDMA wireless network comprising a plurality of base stations capable of communicating with a plurality of mobile stations located in a coverage area of the CDMA wireless network, the method comprising the steps of:

receiving in a first base station at least one of voice traffic and data traffic transmitted by a selected one of the plurality of mobile stations;

performing in the first base station radio link protocol functions related to wireless communication links between the first base station and the selected mobile station; and

performing physical layer protocol functions in a mobile switching station of the CDMA wireless network, wherein the physical layer protocol functions are related to transmission of wireline data comprising at least one of voice traffic and data traffic between the CDMA wireless network and a wired network coupled to the CDMA wireless network, wherein the physical layer protocol functions comprise a conversion of data frames received from the first base station to data packets suitable for transmission over a packet data network coupled to the CDMA wireless network station.

21. (Amended) The method set forth in Claim [17] 20 wherein the step of decompressing voice traffic from a first bit rate to a second bit rate is performed by a vocoder.

22. (New) For use in a CDMA wireless network comprising a plurality of base stations capable of communicating with a plurality of mobile stations located in a coverage area of said CDMA wireless network, a partitioned selection and distribution unit (SDU) comprising:

a first controller associated with a first one of said plurality of base stations capable of performing radio link protocol functions related to wireless communication links between said first base station and at least one of said plurality of mobile stations; and

a second controller associated with a mobile switching center (MSC) of said CDMA wireless network capable of performing physical layer protocol functions related to transmission of wireline data comprising at least one of voice traffic and data traffic between said CDMA wireless network and a wired network coupled to said CDMA wireless network, wherein said first controller is disposed in said first base station and said second controller is disposed in said mobile switching center (MSC).

23. (New) The partitioned selection and distribution unit set forth in Claim 22 wherein said radio link protocol functions comprise selection of preferred ones of incoming wireless traffic frames received from said first base station.

24. (New) The partitioned selection and distribution unit set forth in Claim 22 wherein said radio link protocol functions comprise controlling a transmission power of a selected one of said plurality of mobile stations.

25. (New) The partitioned selection and distribution unit set forth in Claim 22 wherein said physical layer protocol functions comprise a decompression of voice traffic from a first bit rate to a second bit rate.

26. (New) The partitioned selection and distribution unit set forth in Claim 25 wherein said decompression is performed by a vocoder.

27. (New) The partitioned selection and distribution unit set forth in Claim 22 wherein said physical layer protocol functions comprise a transcoding of circuit data from a first bit rate to a second bit rate.

28. (New) The partitioned selection and distribution unit set forth in Claim 22 wherein said physical layer protocol functions comprise a conversion of data frames received from said first base station to data packets suitable for transmission over a packet data network coupled to said CDMA wireless network.

29. (New) A CDMA wireless network capable of communicating with a plurality of mobile stations located in a coverage area of said CDMA wireless network, said CDMA wireless network comprising;

a plurality of base stations capable of wirelessly communicating with said plurality of mobile stations, a first one of said plurality of base stations comprising a first controller disposed in said first base station capable of performing radio link protocol functions related to wireless communication links between said first base station and said plurality of mobile stations; and

a mobile switching center capable of transferring call traffic between said plurality of base stations and a wired network coupled to said CDMA wireless network, said mobile switching center comprising a second controller disposed in said mobile switching center capable of performing physical layer protocol functions related to transmission of wireline data comprising at least one of voice traffic and data traffic between said CDMA wireless network and said wired network.

30. (New) The CDMA-based wireless network set forth in Claim 29 wherein said radio link protocol functions comprise selection of preferred ones of incoming wireless traffic frames received from said first base station.

31. (New) The CDMA-based wireless network set forth in Claim 29 wherein said radio link protocol functions comprise controlling a transmission power of a selected one of said plurality of mobile stations.

32. (New) The CDMA-based wireless network set forth in Claim 29 wherein said physical layer protocol functions comprise a decompression of voice traffic from a first bit rate to a second bit rate.

33. (New) The CDMA-based wireless network set forth in Claim 32 wherein said decompression is performed by a vocoder.

34. (New) The CDMA-based wireless network set forth in Claim 29 wherein said physical layer protocol functions comprise a transcoding of circuit data from a first bit rate to a second bit rate.

35. (New) The CDMA-based wireless network set forth in Claim 29 wherein said physical layer protocol functions comprise a conversion of data frames received from said first base station to data packets suitable for transmission over a packet data network coupled to said CDMA wireless network.